



NEW YORK
REGIONAL OFFICE

UNITED STATES
SECURITIES AND EXCHANGE COMMISSION
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NEW YORK, NY 10004-2616

December 28, 2023

VIA ECF

The Honorable Judge Jesse M. Furman
United States District Court
Southern District of New York
Thurgood Marshall United States Courthouse
40 Foley Square
New York, NY 10007

Re: SEC v. Mmobuosi, et al., No. 23 Civ. 10928 (JMF)

Dear Judge Furman:

Plaintiff Securities and Exchange Commission (the “SEC”) respectfully submits this letter, jointly with Defendants, to update the Court following the December 18, 2023 teleconference in the above-referenced matter (the “Hearing”).

As directed, counsel for the SEC has attempted to confer with counsel appearing on behalf of the Defendants at the Hearing (“Defense Counsel”) regarding the need for discovery and a proposed schedule in advance of a preliminary injunction hearing, if any. Defense Counsel advised that they need additional time to work through the representation issues described to the Court at the Hearing. They estimate that they require an additional two weeks, by which time they believe Defendants will be positioned to confer with SEC counsel on a discovery and briefing schedule (if any) and/or whether to consolidate any preliminary injunction hearing with a trial on the merits under Fed. R. Civ. P. 65(a)(2). Defendants consent to an extension of the Temporary Restraining Order (Dkt. No. 14) while their counsel work through the representation issues. *See* Fed. R. Civ. P. 65(b)(2).

In light of the above, the parties respectfully request that the Court set a new deadline of January 10, 2024 for their proposal of a discovery and briefing schedule in advance of any preliminary injunction hearing, and that the Temporary Restraining Order remain in place in the interim.

Respectfully submitted,

/s/ David Zetlin-Jones / Michael DiBattista
David Zetlin-Jones / Michael S. DiBattista
Counsel to SEC

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/s/ Robert Horowitz / Kenneth Denos

Robert Horowitz / Kenneth Denos
On Behalf of Defendants

cc: Counsel of record (by ECF)
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